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an appendix contains the trade-mark laws of the United States of Feb. 20, 1905, and of May 4, 1906, with the rules of the Patent Office governing registration of trade-marks under the act of 1905; also forms to be used in preparing application for registration.

The introduction says: "This book states concisely the principles of the law of trade-marks and unfair trade for ready application by the lawyer. The legal profession now wants the law and cases, not pages of text-book discussions. The digest of cases shows the basis for the rule preceding. The rule is stated from a study of the cases according to the inductive method."

The author formulates and sets forth the law in a series of rules drawn from the cases. His method may be illustrated by the following definition which appears in heavy black-faced type under the caption, "What is a valid trade-mark;" "A trade-mark is (1) an arbitrary sign (2) affixed (3) by a proprietor (4) to his goods (5) with the intention of designating their origin (6) by a use thereon."

(1) "An arbitrary sign is (A) a word, (B) a combination of words, (C) letters," etc.

Each of the above subdivisions marked by letters or figures is then developed and illustrated by a digest of the cases relating to the particular point with a collection of words, marks, etc., that have been passed upon by the courts.

It is claimed that every point of every case upon the subject of trade-marks and unfair trade in the Federal Reporter, in the United States Reports, and in the Official Gazette of the Patent Office, and the principal decisions of the state courts and the English courts have been digested.

The author has made an effort to draw the line as completely as possible between *trade-mark law* and *unfair trade law* but he admits, as do all others who have considered the matter, that it is hard to do this, and that the courts have often failed to appreciate the distinction and have, for that reason, rendered decisions that are extremely difficult to reconcile.

The author seems to have done his work faithfully and accurately and the book will be found very useful to any one who has to consider the subject.

H. L. W.

A TREATISE ON THE LAW OF MUNICIPAL CORPORATIONS. By Howard S. Abbott of the Minneapolis Bar, Lecturer on Public and Private Corporations and Civil Law, in the University of Minnesota. St. Paul: Keefe-Davidson Company, 1905, 1906. Three volumes, pp. xix, 3045.

When Judge Dillon wrote the preface to the fourth edition of his great work on the law of municipal corporations, in 1890, he thought it appropriate "to justify its size," to explain why his commentaries comprised two volumes with a total of some 1800 pages. The present work is in three volumes of nearly 3100 pages, but its size is amply justified by the great importance of the subject and the extraordinary growth of the case and statute law concerning it, during the last twenty or more years. Mr. Abbott's is the first attempt to treat this subject comprehensively and fully since the last edition

of Judge Dillon's work, which was published sixteen years ago, and its publication is therefore timely, and the book is certain to be of great aid to the bar, because of the large amount of new material which it makes available in text-book form. The extent of this new material and the recent growth of the subject are in some measure indicated by the fact that Judge Dillon cites about 13,000 cases, while Mr. Abbott cites upwards of 28,000. How accurately this vast mass of material has been treated, how apposite are the cases to the doctrines concerning which they are cited can only be fully determined by a more thorough use of the work than there has yet been time for. But a somewhat hasty examination would seem to indicate that, in the main, the work has been intelligently and conscientiously done. Judge Dillon has so fully occupied the field of the law of municipal corporations by the successive editions of his book, that it would be unreasonable to expect any new work to contribute as much, and to influence so greatly the law of this subject. It is not, therefore, unfair to Mr. Abbott, nor disparaging to his really valuable work, to say that it is not in any such measure, as was Judge Dillon's, an original contribution to the subject. It would be wholly impossible for any present writer on the law of municipal corporations to escape the influence of Dillon's commentaries, unless he should foolishly and deliberately shut his eyes to the light. And this Mr. Abbott has very wisely not attempted to do, as his occasional references to Dillon, and the apparent use of parts of the latter's analysis would seem to show. But this does not indicate that Mr. Abbott has made any improper use of such material or been unduly influenced by it. On the contrary, he seems to have worked out his subject in his own way. The actual writing methods adopted by the two authors respectively are quite different. Dillon's work is characterized by an easy and flowing style, and the value of his text is greatly enhanced by logical statements of his own opinions on controverted points, opinions which have had great influence upon the recent development of the subject, as hundreds of cases decided since 1872, the date of the first edition, will show. Mr. Abbott's text is not characterized by this style, nor do his own opinions appear to any considerable extent. His text is concise, compact, and consists largely of statements of abstract rules and general principles. Indeed this compression and abstractness of the text would constitute a serious defect in the book, were it not for the very numerous and copious notes. As before indicated, the author has cited some 29,000 cases in the notes, and this material constitutes much the greater part of the work. A majority of these cases are merely cited, but Mr. Abbott has summarized the holdings, and sometimes the facts of many of them, and from others he makes more or less extended quotations. In most of these notes, the cases are arranged alphabetically by states, and in some of them, the views of the topics discussed in the different states are carefully stated, as for example in the elaborate note concerning the subject of charter, statutory and constitutional provisions affecting the power of public corporations to incur indebtedness (note 275, p. 325).

In his preface, the author states that "particular attention has been given to those subjects connected with the exercise of municipal powers which, in the opinion of the author, are of the present and greatest relative importance;"

and again, "The extent and character of their control over public property, their power to incur indebtedness and issue negotiable securities, their right to own and operate public utilities, are questions of the deepest personal concern to everyone." The subjects of the power to incur indebtedness and to issue negotiable securities are, indeed, treated exhaustively, but in view of these prefatory statements, and the recent phenomenal extension of municipal ownership and control of the public utilities and of the inevitable further increase and importance of the problems connected with these matters, it is disappointing that Mr. Abbott has nowhere treated of these vital questions, comprehensively and as a distinct problem. He has considered them, though somewhat briefly, it would seem, in view of their importance, in connection with the different functions, such as the supply of water, of light and of transportation. Possibly this is the most practical way of discussing the subjects. It is to be hoped that in a future edition of his work, Judge Dillon will give us the benefit of his late investigation of, and reflection upon this subject. Mr. Abbott has indicated his opinion, if not his bias, as to the legal and economic aspects of these problems, as shown by the following quotations from his book. "To counteract the modern tendencies of governmental agencies in exercising powers other than those strictly pertaining to their character, through the construction of many public works and the ownership and maintenance of enterprises usually considered private in their nature, requires an accurate and thorough knowledge of their true character and legal capacities." (Preface, par. 1.) "It is the author's belief that the proper functions of a public corporation are to regulate and govern and that it is neither desirable nor legal that it engage in undertakings, to do those things, or transact that business, which properly, should be left to private enterprise. To govern and regulate efficiently and rightly requires complete disinterestedness, a condition which cannot exist where hope of gain or fear of loss are attendant essentials of certain acts or transactions. It is difficult to separate completely at all times the radically different acts of governing and regulating and engaging in a pursuit or undertaking having for its ultimate purpose the making of a profit." (P. 1141, Vol. II.) "A supply of pure and wholesome water at a reasonable cost is the end sought to be attained; logically, it would seem as if this were an object for private undertaking and private consideration, subject to the ever present and sufficient power of the government to regulate and control the time, manner and quality of the supply and the compensation charged." (P. 1143.)

It is inevitable that some errors should creep into the first edition of a work of the great bulk of Mr. Abbott's book, but in a review as brief as this, it would be unfair to the real merits of the work to put any emphasis upon the few and unimportant ones which have been discovered. The work as a whole is a very valuable addition to the available material on its subject. It gives evidence of careful, mature and intelligent industry, and will surely be well-nigh indispensable to students of municipal affairs, and to lawyers whose practice brings them into contact with the numerous and increasingly important questions discussed in it.

H. M. B.